

TO AP

AMENDMENT TRANSMITTAL

PATENT

Application No. 09/779,000
Filing Date: 2/7/06
First Named Inventor Dong, et al.
Examiner's Name: Ke, P.
Art Unit: 2174
Attorney Docket No.: 80398.P388

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

- ☐ Preliminary Amendment
- ☐ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☐ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☒ Other: Appellant's Reply Under 37 CFR. §41.41
- ☐ Other: _____
- ☐ Check(s)
- ☒ Postcard (Return Receipt)

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Docket No. 080398.P388

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:) Examiner:	Ke, Peng
)	
Dong, et al.) Art Unit:	2174
)	
Serial No. 09/779,046) Confirmation No:	4431
)	
Filed: February 7, 2001)	
)	
For: User Interface Management for)	
Controlled Devices)	
)	

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APPELLANT'S REPLY UNDER 37 C.F.R. §41.41

This is a Reply to the Examiner's Answer, dated May 19, 2006, to the Appeal Brief (submitted February 23, 2006), which appealed the rejections of all claims in the June 13, 2005 final Office Action. In response to Appellant's arguments in the Brief, the Answer presented four main counter-arguments:

1) Humpleman discloses (A) an Internet proxy that is equivalent to a remote network source, which provides a user interface for a device, (B) loading a user interface from a remote source, and (C) providing a user interface to multiple home networks;

2) Kanevsky discloses loading a basic operative user interface if a particular user interface is not found at the remote source;

3) it would have been obvious to combine Humpleman and Ramachandran in order to customize interactions with the device at a more unique level; and

4) it would have been obvious to combine Humpleman, Kanevsky and Ramachandran in order to customize interactions with the device at a more unique level.

Appellant replies to the above issues pursuant to 37 C.F.R §41.41, and respectfully requests the Board consider the following rebuttal arguments.

I (C). Humpleman does not teach or suggest a remote network source that provides a user interface

The Examiner has asserted that Humpleman's Internet proxy is a remote network source because the Internet itself is a remote network source. However, Humpleman does not disclose that the Internet proxy provides a user interface to a home network as claimed in Appellant's claim 1. Therefore, Appellant respectfully submits that Humpleman's disclosed Internet proxy is not equivalent to Appellant's remote source as claimed.

I (B). Humpleman does not teach or suggest loading a user interface found at a remote source

Appellant respectfully submits that the Examiner has misinterpreted Appellant's claims. Appellant's claim 1 recites "loading a user interface **found at a remote source**" (emphasis added), and further specifies that the remote source provides the user interface. In contrast, the Examiner is interpreting claim 1 as "loading a device user interface from a remote source because it allows users to control their home network devices **from a remote location** through the Internet." (Answer: page 10, lines 15-16, emphasis added). Such an interpretation has improperly eliminated the word "found" from the claim, misconstrued the term "remote source" as "remote location," and changed the claimed element to mean "loading, at a remote location, a device user interface for a home network device." Thus, Appellant respectfully submits Humpleman does not teach or suggest the element as it is actually claimed and further respectfully submits that an anticipation analysis based on such a misinterpretation of the claim language cannot stand.

I (C). Humpleman does not teach or suggest providing device user interfaces to multiple home networks

In claim 1, Appellant claims that the remote source provides the user interface to a plurality of different home networks. The Examiner is relying on column 9, lines 50-70 of Humpleman as teaching Appellant's claimed element. However, the cited section of Humpleman only discloses a session manager that helps the user control the device on the home network. There is no mention in this section of Humpleman that the session manager provides a user interface to multiple home networks, much less that the session

manager provides a user interface found at a remote source to multiple home networks as claimed (*see* I(B) arguments above). In fact, there is no disclosure in Humpleman as a whole that teaches or suggests this claim limitation.

Therefore, Appellant respectfully submits that Humpleman does not disclose providing device user interfaces to multiple home networks as claimed.

II. Kanevsky does not teach or suggest loading a basic operative user interface if a particular user interface is not found

Appellant respectfully submits that the Examiner has misinterpreted Kanevsky. Kanevsky discloses an adaptation system that transforms **original specific user interfaces** received from web sites and adapts these original specific user interfaces to different sized, shaped and configured displays. If Kanevsky's adaptor server determines that there is no optimal match found for a user's display, the original specific user interface is displayed, or the closest alternative is used to reformat the original specific user interface for display. Thus, Kanevsky's always provides a specific user interface, either the best match or a reformatted version of the original specific user interface. In contrast, Appellant discloses that the claimed "basic operative user interface" is a basic interface template that is common to devices of the same category (Specification: page 10, lines 8-12). When the claim language is properly interpreted in light of the Specification, it is clear that Kanevsky does not teach or suggest loading of a basic operative user interface as claimed by Appellant in claim 11.

In the Answer, the Examiner asserted that Kanevsky's disclosed adaptation module is a default interface (Answer: page 11, lines 10-11). Kanevsky's adaptation module works in conjunction with the other modules of the system to adapt the original specific user interface. Kanevsky does not teach or suggest that the adaptation module is a user interface for a device. Therefore, the adaptation model cannot be properly interpreted as a basic operative user interface for a device as claimed. The Examiner also asserted that Kanevsky's web interface is equivalent to Appellant's claimed basic operative user interface because it allows the user to operate a "web displaying device." Appellant assumes the Examiner is referring to the original specific user interface before it is adapted. However, as clearly taught by Kanevsky, the original user interface is

specific to a device and thus cannot be properly equated to Appellant's claimed basic operative user interface, which is common to devices of the same category.

Thus, Kanevsky does not teach or suggest loading a basic operative user interface if a particular user interface is not found as claimed by Appellant.

III. The combination of Humpleman and Ramachandran is improperly motivated

The Examiner asserts that it would have been obvious to combine Humpleman and Ramachandran so that "the recipients of device GUID and UINFO can customize its interactions with the device at a more unique level than a common model of manufacture." (Answer: page 12, lines 5-10, citing Ramachandran as teaching the GUI and the UINFO). Appellant notes that this statement of the motivation to combine references is newly presented. The Answer cited column 2, lines 8-20 of Ramachandran as evidence of that Ramachandran provides the motivation to combine Humpleman and Ramachandran. However, the cited section of Ramachandran discloses the passing of messages and does not contain any disclosure that supports the Examiner's reasoning.

Furthermore, there is no suggestion to combine Humpleman and Ramachandran in the art as a whole. Ramachandran discloses a global identification number that is unique for each toy. Ramachandran uses the global identification numbers to establish a conversation group among toys, with the toy having the highest-valued identification number selected as a conversation manager. Ramachandran also discloses messages (units of information) that are exchanged to set up the conversation group. Humpleman discloses a configuration manager that maintains a list of devices connected to the home network. Humpleman does not disclose that the configuration manager maintains the list based on a pre-determine unique identifier for each device or based on messages that set up a conversation group. Thus, Humpleman contains no suggestion that incorporating Ramachandran's global identification numbers or messages would provide any advantage over Humpleman's invention as disclosed.

Moreover, in his arguments for the combination, the Examiner relied on Appellant's own terms instead of terms used by the references ("global unique identification" (GUID) and "unit information" (UINFO)). Thus, the Answer confuses the issue of motivation for the combination with the issue of what is disclosed by the prior art

references. With regard to the disclosure of the prior art, Appellant wishes to reiterate that Ramachandran does not teach or suggest a GUID or unit information as defined by Appellant. Ramachandran's global identification number is not used to describe device characteristics and is not disclosed as having a pre-defined structure like a GUID, which is a unique 88-bit serial number embedded in IEEE 1394-compliant devices to describe device characteristics such as device category, vendor name and model (Specification: page 7, lines 18-21). Also, Ramachandran's messages are not embedded in the toy devices, and there is no disclosure that the message contains any data that identifies the category of a device as Appellant's unit information is defined (Specification: page 7, lines 24-27).

Thus, not only does Ramachandran not teach or suggest any data that corresponds to Appellant's claimed GUID and unit information, the Examiner's use of Appellant's terms to motivate the combination strongly suggests the Examiner is using improper hindsight.

IV. The combination of Humpleman, Kanevsky, and Ramachandran is improperly motivated.

The Examiner asserted that it would be obvious to combine Humpleman, Kanevsky and Ramachandran for the same reasons that the combination of Humpleman and Ramachandran is obvious. Because the Examiner's reasons for the combination of Humpleman and Ramachandran are both unsupported and based on improper hindsight, Appellant respectfully submits that the same reasoning cannot properly motivate the combination of Humpleman, Kanevsky and Ramachandran.

V. Conclusion

Appellant respectfully submits that Appellant has successfully rebutted the arguments presented the Examiner's Answer. Appellant further respectfully submits that the invention as claimed is patentable over the cited references. Therefore, Appellant respectfully requests the Board direct the Examiner to withdraw all rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a), and issue a Notice of Allowance for claims 1-38.

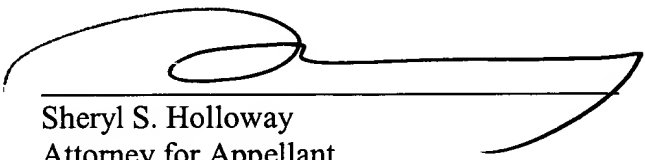
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
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Dated: July 19, 2006



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